

STATE'S WITNESS - NINA PORTER - (DIRECT)

1 (The jury entered the courtroom and
2 the following proceedings were had.)

3 THE COURT: Be seated please. Mr. Williams.

4 MR. WILLIAMS: Thank your, your Honor.

5 **NINA PORTER**

6 **called on behalf of the State, having been first duly**
7 **sworn, testified as follows:**

8 **DIRECT EXAMINATION**

9 BY MS. BECKER:

10 Q Could you introduce yourself to the jury?

11 A My name is Nina porter.

12 Q And, Nina, so that everybody can hear you, could
13 you speak up a little bit? Where do you reside?

14 A I live in Goshen, Indiana.

15 Q Where do you work?

16 A Lippert Components.

17 Q How long have you been working at Lippert
18 Components?

19 A Almost six months.

20 Q And what do you do for Lippert Components?

21 A I'd head of line two's quality control.

22 Q So you quality control for them.

23 A Yes.

24 Q What does Lippert -- what does Lippert Components
25 make?

STATE'S WITNESS - NINA PORTER - (DIRECT)

1 Q And what was the conviction for?

2 A Welfare fraud and forgery.

3 Q And as a result of those convictions, ultimately
4 you had to go to prison?

5 A I was placed on home detention, and I violated.

6 Q How long were you in the Indiana Women's Prison for
7 that probation violation?

8 A One year.

9 Q Do you remember the dates from when you went in
10 till when you got out?

11 A I was arrested in July of 2002, and then I was
12 released February of 2003.

13 Q So you were released from the Indiana Women's
14 Prison sometime in February of 2003.

15 A Yes.

16 Q Do you have any other convictions for conversion or
17 check deception or anything like that?

18 A Yes.

19 Q With respect to your forgery and welfare fraud, why
20 did you commit those crimes?

21 MR. ZOOK: Objection, your Honor.

22 THE COURT: Sustained.

23 BY MR. WILLIAMS:

24 Q Do you know Lana Canen?

25 A Yes, I do.

STATE'S WITNESS - NINA PORTER - (DIRECT)

1 Q How do you know her?

2 A I lived upstairs in the same apartment building.

3 Q What apartment building was that?

4 A At 124 Johnson Street.

5 Q Was that in Elkhart?

6 A Yes.

7 Q And when did you move into that location?

8 A April of 2003.

9 Q Now, did you move there after you had gotten out of
10 prison?

11 A Yes, I did.

12 Q And do you recall when you moved out?

13 A September of 2003.

14 Q Did Lana Canen live in the same apartment building?

15 A Yes.

16 Q Describe this apartment building for us?

17 A There's four apartments in the same converted
18 house: two upstairs, two downstairs.

19 Q Was it a larger house?

20 A Not for four apartments, no.

21 Q Which apartment did you live in?

22 A I lived in No. 1.

23 Q And where was No. 1?

24 A Upstairs on the left.

25 Q So you lived upstairs in the building.

STATE'S WITNESS - NINA PORTER - (DIRECT)

1 A Yes.

2 Q Where did Lana Canen live?

3 A Downstairs on the right.

4 Q She was on the first floor.

5 A Yes.

6 Q When you moved into the apartment complex in April
7 of 2003, did you meet Lana Canen?

8 A Yes.

9 Q Did you become friends with her?

10 A Yes, I did.

11 Q Now, do you see Lana Canen in the courtroom today?

12 A Yes, I do.

13 Q Can you point out where she's seated and what she's
14 wearing?

15 A She's seated at the end of the table. She's
16 wearing a blue plaid dress.

17 Q That's the table to your left?

18 A Yes.

19 MR. WILLIAMS: Your Honor, may the record
20 reflect the witness has identified the defendant Lana
21 Canen.

22 THE COURT: The record will so reflect.

23 BY MR. WILLIAMS:

24 Q Do you know someone named Andrew Royer?

25 A Yes, I do.

STATE'S WITNESS - NINA PORTER - (DIRECT)

1 apartment building in just a minute. I want to
2 take you now to July 3, 2003 at nine o'clock in the
3 evening or thereabouts. Do you remember where you
4 were?

5 A Yes.

6 Q Tell the jury?

7 A I was outside on the patio in front of the
8 apartment building drinking at a table with Lana.

9 Q Anybody else there?

10 A Her friend, Dan, and my boyfriend, Robby.

11 Q At some point did Dan and Robby leave?

12 A Yes.

13 Q And did that just leave you and Lana?

14 A Yes.

15 Q Now, you say you had been drinking. How much did
16 you have to drink, do you remember?

17 A We were drinking; no amount.

18 Q At some point -- strike that. You say we were
19 drinking, you and Lana Canen were drinking?

20 A Yes.

21 Q At some point while you were there with Lana alone,
22 did she make any statements?

23 A Yes.

24 Q What did she say?

25 A She said no one was supposed to get hurt.

STATE'S WITNESS - NINA PORTER - (DIRECT)

1 Q Did you have any idea what that meant?

2 A No.

3 Q Did she say that more than once?

4 A Yes.

5 Q Did she say anything else?

6 A She said she went upstairs to an old lady, and she
7 said she could come and get money. When she got
8 there, she couldn't give her the money because
9 someone told her not to.

10 Q Did you have any idea what she was talking about?

11 A No, I didn't.

12 Q Now, at the time that Lana made these statements to
13 you, were you intoxicated?

14 A I had been drinking.

15 Q Were you drunk?

16 A No, I wasn't.

17 Q Do you remember these statements vividly?

18 A Yes.

19 Q Now, you said something about the police coming.
20 What happened with regard to that?

21 A The police came and told us that they were called
22 because someone had said we were drinking outside.

23 Q Now, were they called after Ms. Canen had made
24 these two statements?

25 A Yes.

STATE'S WITNESS - NINA PORTER - (DIRECT)

1 Q The statements that she made were they one after
2 another?

3 A No.

4 Q Do you know how much time was in between the
5 statements?

6 A No, I don't.

7 Q So she made the first statement about no one
8 getting hurt and then sometime later she made the
9 statement regarding an old lady that she would get
10 money from, was going to get money from, but that
11 woman refused because someone told her not to. Is
12 that correct?

13 A Yes.

14 Q Well, the police come because you are drinking
15 outside. Did you have contact with the police?

16 A Yes, we did.

17 Q Did they tell you why they were there?

18 A Yes.

19 Q Did they arrest you for public intoxication?

20 A No.

21 Q Did there come a time that evening that you went
22 inside?

23 A Yes.

24 Q Did Lana go inside?

25 A Lana went inside first.

STATE'S WITNESS - NINA PORTER - (DIRECT)

1 Q So Lana left this patio area.

2 A Yes.

3 Q And this patio area was outside of the apartment
4 complex.

5 A Yes.

6 Q On the first floor.

7 A Yes.

8 Q So she was leaving to go back to her apartment.

9 A Yes.

10 Q Just after the police had been there.

11 A Yes.

12 Q Did she make any statements as she left?

13 A Yes.

14 Q What did she say?

15 A She mumbled "Thanksgiving, thanks for giving
16 death."

17 Q Thanksgiving, thanks for a giving death.

18 A Yes.

19 Q Did you have any idea what she was talking about?

20 A No.

21 Q When Lana Canen made these statements to you, did
22 you have any idea who Helen Sailor was?

23 A No, I did not.

24 Q Did you ever hear of the murder of Helen Sailor?

25 A No, I did not.

STATE'S WITNESS - NINA PORTER - (DIRECT)

1 Q What was her demeanor when she said these things?

2 A She was angry.

3 Q Nina, how did you get involved in this case?

4 A I got pulled over with Lana in my vehicle.

5 MR. ZOOK: I can't hear that.

6 THE WITNESS: I got pulled over.

7 Q And you said Lana was in your vehicle.

8 A Yes.

9 Q Were the two of you separated?

10 A Yes, we were.

11 Q Now, were you interviewed by the police with regard
12 to this case?

13 A Yes, I was.

14 Q And do you remember who you talked to at the police
15 department?

16 A No, do not.

17 Q Was it a detective?

18 A Yes. It was two detectives.

19 Q And did you tell them everything that you told the
20 jury here today?

21 A Yes.

22 Q Was it during this interview that you realized that
23 -- strike that -- at some point did the interview
24 end?

25 A Yes, it did.

STATE'S WITNESS - NINA PORTER - (CROSS)

1 Q And after the interview ends, is that when you
2 learned that Helen Sailor had been killed on
3 Thanksgiving day of 2002?

4 A After I was done.

5 MR. WILLIAMS: No further questions, your
6 Honor.

7 THE COURT: Mr. Zook.

8 **CROSS-EXAMINATION**

9 BY MR. ZOOK:

10 Q Ms. Porter, as I understand it you were picked up
11 by a police officers what was that for?

12 A To come to the --

13 Q I still can't hear you?

14 A To come to the police department to make a
15 statement.

16 Q You were picked up to make a statement?

17 A Yes, I was.

18 Q I thought they pulled you over for some other
19 reason?

20 A They pulled me over and arrested Lana and gave me a
21 ticket.

22 Q Okay. What was the ticket?

23 A Driving with no driver's license.

24 Q Okay. Now, were you on probation at that time?

25 A Yes, I was.